



# Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON  
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VICE-CHAIRPERSON  
Edward Haik

Ken Hilliard  
Ervin Kowalski  
Jim Krolczyk  
Glenn Lottie  
Carl Rutske

CLERK

Marilyn Kliber  
(231) 723-3331

CONTROLLER/ADMINISTRATOR

Thomas Kaminski  
(231) 398-3500

## MANISTEE COUNTY TECHNOLOGY/INFORMATION COMMITTEE REPORT

Thursday, September 10, 2009  
2:00 P.M.

Board of Commissioners' Meeting Room  
Manistee County Courthouse

Members Present: Glenn Lottie, Chairperson/County Commissioner; Gordon McLellan, Network Administrator; Russell Pomeroy, County Treasurer; Kris Randall, 19<sup>th</sup> Circuit Court Administrator; Captain Robert Lancaster; Penny Pepera, Register of Deeds; Marilyn Kliber, County Clerk; Kathi Lynn 85<sup>th</sup> District Court; Bruce Schimke, Maintenance Supervisor; Kendra Rohdy Equalization Director; and Jeri Lyn Prielipp, Finance Assistant/Recording Secretary

Members Absent: Allan O'Shea, County Commissioner; Ford Stone, Prosecuting Attorney; Deidre Robison, Probate Court Register; David Thompson, Friend of the Court and Sue Wagner, County Planner

Mr. Lottie called the meeting to order at 2:04 P.M.

### **ITEMS REQUIRING BOARD ACTION**

None.

### **ITEMS NOT REQUIRING BOARD ACTION**

At the August meeting of the Committee, Mr. McLellan had reported that the Accucomp server has passed its life expectancy and is showing signs of wear and the server could fail at any time, or it could last a few more years? He suggested that the County consider abandoning the Accucomp platform, while at the same time maintaining the function that it provides and keeping all the data intact. An e-mail was circulated throughout the building encouraging those Departments/Courts that still use Accucomp to attend today's meeting to voice their concerns.

Ms. Randall stated in no uncertain terms that the Accucomp server can not be eliminated. The server contains Court case history from July 1990 to 2000 and Michigan Court Rule mandates that the Court Clerk shall maintain these records forever (APPENDIX A). She indicated that around 2000 the Michigan Supreme Court recommended converting to Judicial Information Systems (JIS), which now holds a majority of their data, upgrades, forms, Court Rules, etc., although the Circuit Court still requires Accucomp to access their history. Ms. Kilber stated that the Clerk's Office uses Accucomp daily for history and by law the Clerk must protect the Court's documents and keep the data intact. Ms. Kliber

stated that she has no intention of switching from Accucomp, nor is she willing to give up her elections software program that was written by John Dickison (implemented in her office in 2006) and is accepted by the Bureau of Elections and the State of Michigan. Both Ms. Randall and Ms. Kliber indicated that they are extremely happy with the Accucomp system, they have no problem with Accucomp whatsoever, and it serves their purpose. Ms. Kliber distributed a Preliminary Quote from Accucomp Computers to replace the hardware, system software and setup and transfer of data and programs for a total cost of \$7997.00 (APPENDIX B) and she recommended that Manistee County accept the Preliminary Quote, with the cooperation and consideration of the County's I.T. Department and Mr. John Dickison at Accucomp Computers.

Ms. Rohdy stated that the Equalization Department will use Accucomp for a few more years for history but then it will be obsolete. All the data in the Register of Deeds has been converted, but they prefer the Accucomp screen as a more efficient means of presenting the information.

Mr. McLellan distributed an information sheet of "What We Know About the Accucomp Server" (APPENDIX C) which indicates that the company that provided the system software and licensing on the server is no longer in business. Mr. McLellan stated that on numerous occasions he has tried to talk technical details with Mr. John Dickison of Accucomp, but he hasn't been able to establish a dialogue. Another concern Mr. McLellan has with Accucomp is that he is not able to reinstall the Accucomp programs or access the backups of the programs themselves or the data. It is Mr. McLellan's opinion that Accucomp is holding our data hostage by not revealing how to convert the data to another platform. Mr. McLellan suggested hiring a different programmer to perhaps extract the data manually from the Accucomp programs and transfer it into a system such as JIS, for example, in a format that they can understand. All of our data should be in a format that we can read and if we authorize another programmer to work on that data, the programmer should be able to extract the data and convert it to a different system. However, as the Committee discussed, if it will end up costing the County thousands and thousands of dollars to have the data converted, then perhaps we're better off just replacing the server.

Ms. Randall indicated that both she and Ms. Kliber were told that the data on the Accucomp server could not be transferred, but if there is now a way to pull the data off the server, then she is not opposed to looking at other options. Ms. Randall stated that she can't speak for Ms. Kliber, but if the Circuit Court can convert their history to JIS without losing any data, having it all on one system would be ideal.

Mr. McLellan indicated that he has good working relationships with several hardware vendors (including warranty service, next day parts, etc.) so he would prefer to purchase the hardware/equipment from one of his established partner vendors and perhaps purchasing just the software from Accucomp? Ms. Kliber will request that Mr. Dickison provide her with an itemized quote that breaks down the hardware versus services. Once that breakdown is complete then Mr. McLellan will sit down with Mr. Dickison in an attempt to reach an agreeable solution.

M. Lottie instructed Mr. McLellan to contact JIS to find out what format they would need the data in in order to convert it to the JIS system and get that information to Accucomp to insure that they can convert the data into the proper definition, and if it is possible, then explore what it would cost.

Mr. McLellan reported that he recently attended a planning meeting on Cyber Security, which is the State or federal definition for securing our electronic means of doing business. The purpose of the meeting was to establish a dialogue with all the I.T. people in our region and to set up future meetings. The State and Feds want municipalities to secure their electronic infrastructure from attack by external and internal sources, natural disasters, etc., and possibly provide some funding through Homeland Security. Of major importance was what the municipal government does as a business in the event its electronic infrastructure is disturbed or destroyed? How many offices can operate without their computers and for how long? Mr. McLellan pointed out areas of concern in the Courthouse building, such as the 4" sewer pipe that drains the roof into a storm drain under the building that runs right

through our data center and should that pipe rupture, that air-tight room will fill with water and destroy everything contained in that room. For starters, Mr. Schimke will look into quotes for moisture alarm/sensor emergency power down switches and Ms. Randall offered to start storing her backups tapes in her office in a fireproof safe.

Mr. McLellan and Mr. Schimke suggested that the County establish a procedure for notifying the proper people when contractors will be in the building performing work. The Administrator's Office will circulate a memo that Mr. Schimke is to be notified when contractors will be in the building.

Ms. Prielipp reported that Mr. Kaminski recently approached Chip Johnston at Manistee-Benzie Mental Health with regard to a back-up I.T. person for Mr. McLellan when he is unavailable. Mr. Johnston offered to make his staff available as necessary.

Mr. McLellan announced that some of the new computers that will be purchased in the coming year are going to have Windows 7 rather than Windows XP installed on them and he asked if anyone would volunteer to try out Windows 7 to see if it will actually run on the County servers without any problem? Ms. Randall offered to try out Windows 7 in the Circuit Court Administrator's Office.

There being no other business to come before the Committee, the meeting was adjourned at 3:20 P.M.

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Glenn Lottie, County Commissioner

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Jeri Lyn Prielipp, Finance Assistant

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Gordon McLellan, Network Administrator

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Bruce Schimke, Maintenance Supervisor

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Kendra Rohdy, Equalization Director

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Kris Randall, 19<sup>th</sup> Judicial Circuit Court Admin.

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Russell A. Pomeroy, County Treasurer

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Marilyn Kliber, County Clerk

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Captain Robert Lancaster

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Penny Pepera, Register of Deeds

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Kathi Lynn, 85<sup>th</sup> District Court

substance abuse treatment of minor; support of poor persons; and uniform gifts to minors act.

**Rule 8.119 Court Records and Reports; Duties of Clerks**

(A) Applicability. This rule applies to all actions in every trial court except that subrule (D)(1) does not apply to civil infractions.

(B) Records Standards. The clerk of the court shall comply with the records standards in this rule and as prescribed by the Michigan Supreme Court.

(C) Filing of Papers. The clerk of the court shall endorse on the first page of every document the date on which it is filed. Papers filed with the clerk of the court must comply with Michigan Court Rules and Michigan Supreme Court records standards. The clerk of the court may reject papers which do not conform to MCR 2.113(C)(1) and MCR 5.113(A)(1).

(D) Records Kept by the Clerk. The clerk of the court of every trial court shall keep records in the form and style the court prescribes and in accordance with Michigan Supreme Court records standards and local court plans. A court may adopt a computerized, microfilm, or word-processing system for maintaining records that substantially complies with this subrule.

(1) Indexes and Case Files. The clerk shall keep and maintain records of each case consisting of a numerical index, an alphabetical index, a register of actions, and a case file in such form and style as may be prescribed by the Supreme Court. Each case shall be assigned a case number on receipt of a complaint, petition, or other initiating document. The case number shall comply with MCR 2.113(C)(1)(c) or MCR 5.113(A)(1)(b)(ii) as applicable. In addition to the case number, a separate petition number shall be assigned to each petition filed under the Juvenile Code as required under MCR 5.113(A)(1)(b)(ii). The case number (and petition number if applicable) shall be recorded on the register of actions, file folder, numerical index, and alphabetical index. The records shall include the following characteristics:

(a) Numerical Index. The clerk shall maintain a numerical index as a list of consecutive case numbers on which the date of filing and the names of the parties are recorded. The index may be maintained either as a central index for all cases filed in the court or as separate lists for particular types of cases or particular divisions of the court.

(b) Alphabetical Index. The clerk shall maintain a central alphabetical index or separate alphabetical indexes for particular types of cases or particular divisions of the court on which the date of filing, names of all parties, and the case number are recorded.

(c) Register of Actions. The clerk shall keep a case history of each case, known as a register of actions. The register of actions shall contain both pre- and post-judgment information. When a case is commenced, a register of actions form shall be created. The case identification information in the alphabetical index shall be entered on the register of actions. In addition,

(A-2)

the following shall be noted chronologically on the register of actions as it pertains to the case:

- (i) the offense (if one);
- (ii) the judge assigned to the case;
- (iii) the fees paid;
- (iv) the date and title of each filed document;
- (v) the date process was issued and returned, as well as the date of service;
- (vi) the date of each event and type and result of action;
- (vii) the date of scheduled trials, hearings, and all other appearances or reviews, including a notation indicating whether the proceedings were heard on the record and the name and certification number of the court reporter or recorder present;
- (viii) the orders, judgments, and verdicts;
- (ix) the judge at adjudication and disposition;
- (x) the date of adjudication and disposition; and
- (xi) the manner of adjudication and disposition.

Each notation shall be brief, but shall show the nature of each paper filed, each order or judgment of the court, and the returns showing execution. Each notation shall be dated with not only the date of filing, but with the date of entry and shall indicate the person recording the action.

(d) Case file. The clerk of the court shall maintain a file folder for each action, bearing the case number assigned to it, in which the clerk shall keep all pleadings, process, written opinions and findings, orders, and judgments filed in the action. Additionally, the clerk shall keep in the file all other documents prescribed by court rule, statute, or as ordered by the court. If other records of a case file are maintained separately from the file folder, the clerk shall keep them as prescribed by case file management standards.

(2) Calendars. The clerk may maintain calendars of actions. A calendar is a schedule of cases ready for court action that identifies times and places of activity.

(3) Abolished Records.

(a) Journals. Except for recording marriages, journals shall not be maintained.

(b) Dockets. A register of actions replaces a docket. Wherever these rules or applicable statutes require entries on a docket, those entries shall be entered on the register of actions.

(4) Other Records. The clerk shall keep in such form as may be prescribed by the court, other papers, documents, materials, and things filed with or handled by the court including but not limited to wills for safekeeping, exhibits and other

discovery materials, requests for search warrants, marriage records, and administrative activities.

(E) Access to Records. The clerk may not permit any record or paper on file in the clerk's office to be taken from it without the order of the court.

(1) Unless access to a file, a document, or information contained in a file or document is restricted by statute, court rule, or an order entered pursuant to subrule (F), any person may inspect pleadings and other papers in the clerk's office and may obtain copies as provided in subrule (E)(2) and (E)(3).

(2) If a person wishes to obtain copies of papers in a file, the clerk shall provide copies upon receipt of the reasonable cost of reproduction. If the clerk prefers, the requesting person may be permitted to make copies at personal expense under the direct supervision of the clerk. Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of papers on file.

(3) A court is not required to create a new record, except to the extent required by furnishing copies of a file, paper, or record. A court may create a new record or compilation of records pertaining to case files or case-related information on request, provided that the record created or compiled does not disclose information that would otherwise be confidential or restricted by statute, court rule, or an order entered pursuant to subrule (F).

(4) Every court, shall adopt an administrative order pursuant to MCR 8.112(B) to

(a) make reasonable regulations necessary to protect its public records and prevent excessive and unreasonable interference with the discharge of its functions;

(b) specify the reasonable cost of reproduction of records provided under subrule (E)(2); and

(c) specify the process for determining costs under subrule (E)(3).

(F) Sealed Records.

(1) Except as otherwise provided by statute or court rule, a court may not enter an order that seals courts records, in whole or in part, in any action or proceeding, unless

(a) a party has filed a written motion that identifies the specific interest to be protected,

(b) the court has made a finding of good cause, in writing or on the record, which specifies the grounds for the order, and

(c) there is no less restrictive means to adequately and effectively protect the specific interest asserted.

(2) In determining whether good cause has been shown, the court must consider,

(a) the interests of the parties, including, where there is an allegation of domestic violence, the safety of the alleged or potential victim of the domestic violence, and

(b) the interest of the public.

(3) The court must provide any interested person the opportunity to be heard concerning the sealing of the records.

(4) For purposes of this rule, "court records" includes all documents and records of any nature that are filed with the clerk in connection with the action. Nothing in this rule is intended to limit the court's authority to issue protective orders pursuant to MCR 2.302(C).

(5) A court may not seal a court order or opinion, including an order or opinion that disposes of a motion to seal the record.

(6) Any person may file a motion to set aside an order that disposes of a motion to seal the record, or an objection to entry of a proposed order. MCR 2.119 governs the proceedings on such a motion or objection. If the court denies a motion to set aside the order or enters the order after objection is filed, the moving or objecting person may file an application for leave to appeal in the same manner as a party to the action. See MCR 8.116(D).

(7) Whenever the court grants a motion to seal a court record, in whole or in part, the court must forward a copy of the order to the Clerk of the Supreme Court and to the State Court Administrative Office.

**(G) Reporting Duties.**

(1) The clerk of every court shall submit reports and records as required by statute and court rule.

(2) The clerk of every court shall submit reports or provide records as required by the State Court Administrative Office, without costs.

**Rule 8.120 Law Students and Recent Graduates; Participation in Legal Aid Clinics, Defender Offices, and Legal Training Programs**

(A) Legal Aid Clinics; Defender Offices. Effective legal service for each person in Michigan, regardless of that person's ability to pay, is important to the directly affected person, to our court system, and to the whole citizenry. Law students and recent law graduates, under supervision by a member of the state bar, may staff public and nonprofit defender offices, and legal aid clinics that are organized under a city or county bar association or an accredited law school or for the primary purpose of providing free legal services to indigent persons.

(B) Legal Training Programs. Law students and recent law graduates may participate in legal training programs organized in the offices of county prosecuting attorneys, county corporation counsel, city attorneys, and the Attorney General.

(C) Eligible Students. A student in a law school approved by the American Bar Association who has received a passing grade in law school courses and has completed the first year is eligible to participate in a clinic or program listed in subrules (A) and (B) if the student meets the academic and moral standards





*Appendix B*

### Preliminary Quote

Marillyn Kliber, County Clerk  
 Manistee County Government  
 415 3 rd Street  
 Manistee, MI 49660

09/09/2009

re: Computer upgrade/replacement

Qty	Description	Amount
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**Computer replacement hardware:**

- |     |  |  |
|-----|--|--|
| 1.  | Server system: Intel motherboard and chassis with Pentium dual core processor system with 2 Gbytes RAM |  |
| 2.  | Serial, Usb and video interfaces. Network ethernet 10/100/1000 - 2 ports                               |  |
| 3.  | 147 Gbyte SCSI 15,000 rpm hard drive and controller  |  |
| 4.  | Floppy disk drive  |  |
| 5.  | DVD - R, W, RW and RAM disk system   |  |
| 6.  | Sony AIT 1 turbo tape backup system. (And 8 tapes)   |  |
| 7.  | System monitor: 17" LCD monitor  |  |
| 8.  | Keyboard and mouse   |  |
| 9.  | 3 year parts only warrantee  |  |
| 10. | Includes optional rack mount hardware  |  |

**System Software**

- |    |   |  |
|----|---|--|
| 1. | SCO Unix ver 6.0 enterprise - 20 user                     |  |
| 2. | IMS basic compiler - transfer to new computer             |  |
| 3. | Facetwin terminal emulator - 20 user unix version upgrade |  |
| 4. | Microlyte backup edge version 2.1 tape backup software    |  |

**Setup and transfer of data and programs:**

- |    |  |  |
|----|--|--|
| 1. | Configure printers, compiler and system operating software |  |
| 2. | Transfer data and programs to new system                   |  |
| 3. | Recompile programs for the new system                      |  |
| 4. | Testing of programs and backup systems                     |  |
| 5. | Training in operation of the new system                    |  |

Total: (terms: 5000.00 with order, remainder on completion)

7997.00



## appendix C

What we know about the Accucomp Server:

Server was purchased *at least* ten years ago

- Recommended service life for a PC based server is 6-8 years
- Replacement parts very expensive and difficult to obtain

Server is running SCO Unix

- SCO has been in bankruptcy for since 2007.
- SCO has not released any new products in a long time.
- Their primary sources of income are IP licensing and litigation.

Software is obsolete

- The software running on the server (separate from Accucomp's programming) is obsolete.
- One of the main pieces of software is tied to a "hardware signature" specific to the existing machine, preventing the software from moving to a new machine
- The company that provided the software is no longer in business

No documentation

- No documentation exists regarding the software on the server
- Where is the important data stored on the server?
- What format is the data in?